

Last revised: August 1, 2017

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
John DiGregorio

Case No.: 16-23176
Judge: ABA

Debtor(s)

Chapter 13 Plan and Motions

☐ Original ☒ Modified/Notice Required Date: 11/7/17
☐ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: EJC

Initial Debtor: JD

Initial Co-Debtor: _____

\$12,144 is the total paid through 10/31/17; then \$700 for each month in which property taxes are due starting 11/17. There would be 15 months at \$700/month as follows: 11/17, 2/18, 5/18, 8/18, 11/18, 2/19, 5/19, 8/19, 11/19, 2/20, 5/20, 8/20, 11/20, 2/21, 5/21. On the 30 months where property taxes are not paid, the Trustee payment will be \$1,017. The first month of the \$1,017 payment will be 12/17. Starting with 11/17, there are 45 months left in the plan for a total of 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ Extra fees of \$300 to modify plan.
DOMESTIC SUPPORT OBLIGATION		
IRS	Income tax	\$6,089.69

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:
☒ None
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Citizens Bank	Residence	\$838.51	N/A	\$838.51	Resume July 2016
Terrestria Homeowner's Association	Residence	\$1,370	N/A	\$1,370	Resume July 2016
Gloucester Twp. Tax Collector	Residence	\$3,255.79	N/A	\$3,600	Resume quarterly 02/2017

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☐ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Toyota Motor Credit	Toyota Prius	See claim and 4/18/17 order	\$17,000	N/A	\$17,000	4.5% till interest rate	\$28,949.34

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan ☒ NONE

The following secured claims are unaffected by the Plan:

g. Secured Claims to be Paid in Full Through the Plan: <input checked="" type="checkbox"/> NONE		
Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☐ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☒ Not less than \$ _____ 0 _____ to be distributed *pro rata*
☐ Not less than _____ percent
☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☐ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
Toyota Motor Finance	Toyota Prius			\$28,959.34	Any remaining balance due

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Jenkins & Clayman
- 3) Toyota Motor Finance (To be paid in first 48 months of plan)
- 4) Citizens Bank 5.) Terrestria Homeowner's Association
- 6) IRS & State of NJ Division of Taxation

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 12/13/16.

Explain below **why** the plan is being modified:

Debtor was having a very hard time with the Trustee payment in months where property taxes were due. Plan modified to make Trustee payments less in those months.

Explain below **how** the plan is being modified:

Trustee payments altered.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date: 11/7/17

/s/ Eric J. Clayman
Attorney for the Debtor

Date: 11/7/17

/s/ John DiGregorio
Debtor

Date: _____

/s/
Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date: 11/7/17

/s/ Eric J. Clayman
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 11/7/17

/s/ John DiGregorio
Debtor

Date: _____

/s/
Joint Debtor

Certificate of Notice Page 11 of 12

United States Bankruptcy Court
District of New JerseyIn re:
John J. DiGregorio
DebtorCase No. 16-23176-ABA
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 28

Date Rcvd: Nov 08, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 10, 2017.

db +John J. DiGregorio, 105 Fox Meadow Drive, Sicklerville, NJ 08081-1142
cr +Terrestria Association Inc, Hyberg White Mann, 2111 New Road, Suite 105,
Northfield, NJ 08225-1512
516279063 Citizens Bank, PO BOX 42008, Providence, RI 02940-2008
516378510 +Citizens Bank N.A., 1 Citizens Drive Mailstop ROP15B, Riverside, RI 02915-3019
516279065 Horizon Blue Cross Blue Shield of NJ, PO BOX 10192, Newark, NJ 07101-3120
516279068 +New Jersey Division of Taxation, 50 Barrack Street, Trenton, NJ 08608-2006
516389494 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
TRENTON NJ 08646-0245
(address filed with court: State Of New Jersey, Division Of Taxation, Bankruptcy Section,
PO Box 245, Trenton, NJ 08695-0245)
516279070 Sears Credit Cards, PO Box 78051, Phoenix, AZ 85062-8051
516279071 +South Jersey Gas, PO Box 6091, Bellmawr, NJ 08099-6091
516279072 Terrestria Homeowner's Association, 2 Fox Meadow D, Sicklerville, NJ 08081
516320053 +Terrestria Association, c/o Norman L. Zlotnick, Esquire, Hyberg White & Mann,
2111 New Road, Suite 105, Northfield, NJ 08225-1512
516547140 +Township of Gloucester, 1261 Chews Langing-Clementon Rd, PO Box 8,
Blackwood NJ 08012-0008
516279074 Toyota Motor Credit, PO Box 5170, Simi Valley, CA 93062-5170
516373773 +Toyota Motor Credit Corporatio, PO Box 9013, Addison, Texas 75001-9013
516279075 UPHS PPMC Patient Pay, PO BOX 824314, Philadelphia, PA 19182-4314

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Nov 08 2017 22:44:10 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Nov 08 2017 22:44:06 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235
516279062 +E-mail/Text: bankruptcy@pepcoholdings.com Nov 08 2017 22:43:50 Atlantic City Electric,
PO Box 13610, Philadelphia, PA 19101-3610
516294415 E-mail/Text: bankruptcy@pepcoholdings.com Nov 08 2017 22:43:50
Atlantic City Electric Company, Pepco Holdings, Inc.,
Bankruptcy Division, Mail Stop 84CP42, 5 Collins Drive, Suite 2133,
Carneys Point, NJ 08069-3600
516279064 E-mail/PDF: gecsed@recoverycorp.com Nov 08 2017 22:47:05 Home Design-Flooring/Synchb,
PO BOX 960061, Orlando, FL 32896-0061
516279066 +E-mail/Text: cio.bncmail@irs.gov Nov 08 2017 22:43:41 Internal Revenue Service,
PO BOX 219690, Kansas City, MO 64121-9690
516279067 E-mail/PDF: gecsed@recoverycorp.com Nov 08 2017 22:47:05 Lowe's/Synchrony Bank,
PO Box 530914, Atlanta, GA 30353-0914
516403883 +E-mail/Text: bankruptcydpt@mcmcg.com Nov 08 2017 22:44:06 MIDLAND FUNDING LLC,
PO Box 2011, Warren, MI 48090-2011
516408159 +E-mail/PDF: cbp@onemainfinancial.com Nov 08 2017 22:47:04 ONEMAIN FINANCIAL,
605 MUNN ROAD, FT. MILL, SC 29715-8421
516279069 E-mail/PDF: cbp@onemainfinancial.com Nov 08 2017 22:46:44 One Main Financial,
PO BOX 9001122, Louisville, KY 40290-1122
516778500 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 08 2017 22:47:18
Portfolio Recovery Associates, LLC, POB 41067, Norfolk, VA 23541
516778501 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 08 2017 22:47:18
Portfolio Recovery Associates, LLC, POB 41067, Norfolk, VA 23541,
Portfolio Recovery Associates, LLC, POB 41067, Norfolk, VA 23541
516279073 E-mail/PDF: gecsed@recoverycorp.com Nov 08 2017 22:46:29 Thomasville/Synchrony Bank,
PO BOX 965033, Orlando, FL 32896-5033

TOTAL: 13

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516547214* +Township of Gloucester, 1261 Chews Langing-Clementon Rd, PO Box 8,
Blackwood NJ 08012-0008

TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 28

Date Rcvd: Nov 08, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 10, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 7, 2017 at the address(es) listed below:

Chester A. Luszczyk on behalf of Creditor Terrestria Association Inc luszczyk@comcast.net,
bluszczyk@comcast.net
Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Emmanuel J. Argentieri on behalf of Creditor CITIZENS BANK, NA bk@rgalegal.com
Eric Clayman on behalf of Debtor John J. DiGregorio jenkins.clayman@verizon.net
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
summarymail@standingtrustee.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Jeffrey E. Jenkins on behalf of Debtor John J. DiGregorio jenkins.clayman@verizon.net,
jenkins.clayman@verizon.net
Stephanie F. Ritigstein on behalf of Debtor John J. DiGregorio jenkins.clayman@verizon.net
TOTAL: 8